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### **Southwest Pipeline Project Crossing Permit No. 2016-155**

In accordance with sections 61-24.3-20 and 61-24.5-01 of the North Dakota Century Code, the Southwest Pipeline Project (SWPP) and Southwest Water Authority (SWA) do hereby grant approval to applicant's request to cross the SWPP pipeline easement to the extent that the SWPP has authority to do so provided applicant complies with the following conditions as deemed applicable from the permit application:

1.   X   Applicant will assume full responsibility for any and all damages caused by the construction, operation and maintenance of applicant's facilities.
2.   X   Applicant's facilities will cross beneath SWPP pipeline if at all possible. (Does not apply to natural gas lines, power lines, and communications systems buried less than 48 inches).
3.   X   At the point of crossing a minimum separation of 18 inches must be maintained between applicant's facilities and the SWPP pipeline.
4.   X   Excavation in the vicinity of the SWPP pipeline shall be performed by hand digging only. The SWPP main transmission pipelines must be exposed whether boring or open cut methods are utilized.
5.   X   Crossing angle shall be as near 90 degrees as possible.
6.   N/A   Applicant shall envelop SWPP metallic pipelines with a granular material similar to the material removed. This requirement does not apply to PVC pipelines.
7.   N/A   Applicant must mitigate any interference with the SWPP cathodic protection system. Any installation of cathodic protection shall be subject to inspection by SWA personnel.
8.   X   Crossing shall be inspected by SWA personnel prior to and during backfill. No charge will be made during normal working hours. Outside of normal working hours applicant will be billed for the onsite representative(s) at billable rates plus mileage and any other related expenses.
9.   N/A   Pipelines carrying products other than potable water must be encased a distance of 20 feet on either side of the crossing. (Natural gas is exempt from this requirement.)
10.   X   Applicant must provide a minimum of 48 hours notice prior to construction activity.
11.   X   Applicant will indemnify and hold harmless SWA, and its officers, directors, employees, and contractors, from and against all claims, costs, losses, and damages, including those claims arising out of or relating to the performance of the SWA's water distribution system at the crossing location(s), as long as any such claim, costs, losses, and damages were caused by the applicant's project or the existence of applicant's facilities.
12.   X   Applicant will procure and maintain insurance appropriate to cover claims that may arise resulting from the applicant's project or facilities. The applicant's insurance policy shall insure all operations by or on behalf of the Company, on an occurrence basis, against:



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Claims for damages because of bodily injury, sickness or disease, or death of any person.  
Claims for damages insured by reasonably available personal injury liability coverage.  
Claims for damages because of injury to or destruction of tangible property wherever located, including loss of use resulting therefrom.

The limits of liability for the insurance required by the preceding paragraph shall provide coverage for not less than the following amounts or greater where required by law:

General Aggregate:	\$2,000,000
Products – Completed Operations Aggregate:	\$2,000,000
Personal and Advertising Injury	\$1,000,000
Each Occurrence (Bodily Injury and Property Damage)	\$1,000,000
Excess or Umbrella Liability Per Occurrence	\$1,000,000
Excess or Umbrella Liability General Aggregate	\$2,000,000
Contractor Pollution Liability Each Occurrence	\$1,000,000
Contractor Pollution Liability General Aggregate	\$1,000,000

The applicant's commercial general liability, umbrella or excess, and pollution liability policies shall include and list as additional insureds the SWA and its officers, directors, employees, and contractors; and the insurance afforded to these additional insureds shall provide primary coverage for all claims covered thereby (including as applicable those arising from both ongoing and completed operations) on a non-contributory basis. The applicant shall obtain all necessary endorsements to support these requirements. Upon issuance of this Crossing Permit, the applicant shall deliver to the SWA certificates and other evidence of insurance required to be provided by applicant.

Special conditions:     Dakota Access, LLC. 30" metallic crude oil pipeline crossing SWPP 3" CL 160 distribution line in T146, R94, S29, NW. Dakota Access agrees to install a .625 heavy wall pipe centered two feet below the SWPP line. With open cut installation, Dakota Access shall not expose more than 6 feet of the 3" CL 160 SWPP line and shall provide support and physical protection to ensure that the pipe is not damaged and does not pull apart at the joints at the crossing point. Southwest Water Authority will relocate and case the SWPP pipe to a depth of 7 feet below the Dakota Access 30" pipe. No product shall flow through the Dakota Access pipe until the SWPP line has been lowered and cased.

SWPP Representative: Andrew Erickson     Date: 6-28-16

Location of proposed crossing: Please see attached profiles and exhibits.

Quarter All Section 29 Township 146 Range 94 County Dunn

Address \_\_\_\_\_ (or)

Nearest Intersecting Street 100th Ave NW

Direction from and distance to nearest intersecting street: Approx 2725 feet west of 100th Ave NW

**Type of crossing:**

Pipeline, Power Line, or Communication System: Pipeline

**Pipeline Information:**

Pipeline Diameter: 30" Crude Oil Pipeline

Metallic or Non-metallic: Metallic

If metallic, will the pipeline be cathodically protected? Yes

Product to be carried by the pipeline: Crude Oil

**Power Line Information:**

Power Line Voltage: N/A

**Communications Systems Information:**

Fiber Optic or Cable type system: N/A

**Terms Accepted by:**

Printed Name: ROBERT ROSE

Signature: [Signature] *DOA*

Date: 4-26-16

Company: DAKOTA ACCESS, LLC

Title: Vice President, Land and Right of Way

Phone: (713) 989-2864 Email: ROBERT.ROSE@

ENERGYTRANSFER.COM

(For SWA office use)

Application reviewed by: Andrew Erickson Date: 6-28-16

Application accepted?  Yes  No Permit Number Assigned: 2016-155

If not accepted, provide explanation. If accepted, provide special terms or provisions.

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## **Southwest Pipeline Project Crossing Permit No. 2016-156**

In accordance with sections 61-24.3-20 and 61-24.5-01 of the North Dakota Century Code, the Southwest Pipeline Project (SWPP) and Southwest Water Authority (SWA) do hereby grant approval to applicant's request to cross the SWPP pipeline easement to the extent that the SWPP has authority to do so provided applicant complies with the following conditions as deemed applicable from the permit application:

1.   X   Applicant will assume full responsibility for any and all damages caused by the construction, operation and maintenance of applicant's facilities.
2.   X   Applicant's facilities will cross beneath SWPP pipeline if at all possible. (Does not apply to natural gas lines, power lines, and communications systems buried less than 48 inches).
3.   X   At the point of crossing a minimum separation of 18 inches must be maintained between applicant's facilities and the SWPP pipeline.
4.   X   Excavation in the vicinity of the SWPP pipeline shall be performed by hand digging only. The SWPP main transmission pipelines must be exposed whether boring or open cut methods are utilized.
5.   X   Crossing angle shall be as near 90 degrees as possible.
6.   N/A   Applicant shall envelop SWPP metallic pipelines with a granular material similar to the material removed. This requirement does not apply to PVC pipelines.
7.   N/A   Applicant must mitigate any interference with the SWPP cathodic protection system. Any installation of cathodic protection shall be subject to inspection by SWA personnel.
8.   X   Crossing shall be inspected by SWA personnel prior to and during backfill. No charge will be made during normal working hours. Outside of normal working hours applicant will be billed for the onsite representative(s) at billable rates plus mileage and any other related expenses.
9.   N/A   Pipelines carrying products other than potable water must be encased a distance of 20 feet on either side of the crossing. (Natural gas is exempt from this requirement.)
10.   X   Applicant must provide a minimum of 48 hours notice prior to construction activity.
11.   X   Applicant will indemnify and hold harmless SWA, and its officers, directors, employees, and contractors, from and against all claims, costs, losses, and damages, including those claims arising out of or relating to the performance of the SWA's water distribution system at the crossing location(s), as long as any such claim, costs, losses, and damages were caused by the applicant's project or the existence of applicant's facilities.
12.   X   Applicant will procure and maintain insurance appropriate to cover claims that may arise resulting from the applicant's project or facilities. The applicant's insurance policy shall insure all operations by or on behalf of the Company, on an occurrence basis, against:



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Claims for damages because of bodily injury, sickness or disease, or death of any person.  
Claims for damages insured by reasonably available personal injury liability coverage.  
Claims for damages because of injury to or destruction of tangible property wherever located, including loss of use resulting therefrom.

The limits of liability for the insurance required by the preceding paragraph shall provide coverage for not less than the following amounts or greater where required by law:

General Aggregate:	\$2,000,000
Products – Completed Operations Aggregate:	\$2,000,000
Personal and Advertising Injury	\$1,000,000
Each Occurrence (Bodily Injury and Property Damage)	\$1,000,000
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Excess or Umbrella Liability General Aggregate	\$2,000,000
Contractor Pollution Liability Each Occurrence	\$1,000,000
Contractor Pollution Liability General Aggregate	\$1,000,000

The applicant's commercial general liability, umbrella or excess, and pollution liability policies shall include and list as additional insureds the SWA and its officers, directors, employees, and contractors; and the insurance afforded to these additional insureds shall provide primary coverage for all claims covered thereby (including as applicable those arising from both ongoing and completed operations) on a non-contributory basis. The applicant shall obtain all necessary endorsements to support these requirements. Upon issuance of this Crossing Permit, the applicant shall deliver to the SWA certificates and other evidence of insurance required to be provided by applicant.

Special conditions:     Dakota Access, LLC. 30" metallic crude oil pipeline crossing SWPP 2" CL 160 distribution line in T146, R94, S28, SE. Dakota Access agrees to install a .625 heavy wall pipe centered two feet below the SWPP line. With directional bore installation, Dakota Access shall not expose more than 6 feet of the 2" CL 160 SWPP line and shall provide support and physical protection to ensure that the pipe is not damaged and does not pull apart at the joints at the crossing point. Southwest Water Authority will relocate and case the SWPP pipe to a depth of 7 feet below the Dakota Access 30" pipe. No product shall flow through the Dakota Access pipe until the SWPP line has been lowered and cased.

SWPP Representative: Andrew Erickson     Date: 6-29-16

Please see attached profiles and exhibits.  
Location of proposed crossing:

Quarter E1/2 Section 28 Township 146 Range 94 County Dunn

Address \_\_\_\_\_ (or)

Nearest Intersecting Street 99th Ave NW

Direction from and distance to nearest intersecting street: Approx 91 feet west of 99th Ave NW

**Type of crossing:**

Pipeline, Power Line, or Communication System: Pipeline

**Pipeline Information:**

Pipeline Diameter: 30" Crude Oil Pipeline

Metallic or Non-metallic: Metallic

If metallic, will the pipeline be cathodically protected? Yes

Product to be carried by the pipeline: Crude Oil

**Power Line Information:**

Power Line Voltage: N/A

**Communications Systems Information:**

Fiber Optic or Cable type system: N/A

**Terms Accepted by:**

Printed Name: ROBERT ROSE

Signature: [Signature] *DOA*

Date: 4-26-16

Company: DAKOTA ACCESS, LLC

Title: Vice President, Land and Right of Way

Phone: (713) 989-2804 Email: ROBERT.ROSE@

ENERGYTRANSFER.COM

(For SWA office use)

Application reviewed by: Andrew Erickson Date: 6-29-16

Application accepted?  Yes  No Permit Number Assigned: 2016-156

If not accepted, provide explanation. If accepted, provide special terms or provisions.

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